

HOUSE JOINT RESOLUTION 109

By Lynn

A RESOLUTION to express opposition to efforts to amend the National Labor Relations Act of 1935 by removing the private election phase of union recognition campaigns and forcing binding arbitration on employers during union negotiations.

WHEREAS, the right to private elections is the cornerstone of American democracy; and

WHEREAS, private ballot elections are the most democratic way to determine employees' wishes and guarantee an outcome unaffected by outside pressures; and

WHEREAS, federally supervised elections conducted by the National Labor Relations Board have been the accepted law governing union recognition campaigns for 60 years, providing detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially without peer pressure or coercion from unions or employers; and

WHEREAS, limiting union recognition to signing authorization cards ("card check") in the presence of union officials, coworkers, and employers does not reflect the unbiased will of employees; and

WHEREAS, in recent years, the vast majority of businesses targeted by union organizing campaigns have been small businesses with 50 or fewer employees; and

WHEREAS, small businesses are more likely to be held captive at the will of union organizing efforts, as they have less resources for the lengthy legal process of union recognition campaigns; and

WHEREAS, efforts to eliminate private elections are an attack on the free speech rights of business and workers' individual rights; and

WHEREAS, compulsory binding arbitration, which would force employers to accept the terms of a first contract if the employer and the union cannot agree, is fundamentally unconstitutional, and will dramatically undermine the ability of any employer to negotiate; and

WHEREAS, compulsory arbitration discourages the parties from offering compromises in bargaining for fear that they may prejudice their position in arbitration; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SIXTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the General Assembly and the people of the State of Tennessee oppose proposals seeking to eliminate the private election phase of union recognition campaigns and implement compulsory binding arbitration on employers.

BE IT FURTHER RESOLVED, that the General Assembly and the people of the State of Tennessee support democracy in the workplace by maintaining every worker's right to privately decide whether or not to allow a particular union to represent their interests.

BE IT FURTHER RESOLVED, that the General Assembly urges the President of the United States and the United States Congress to oppose legislation that is detrimental to the rights of workers and is an offense against democratic principles by opposing the Employee Free Choice Act and any of its components in 2009 and in future years.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House is directed to transmit a certified copy of this resolution with this final clause omitted from such copy to the President of the United States of America; the President and Secretary of the United States Senate; the Speaker and the Clerk of the United States House of Representatives; and to each member of the Tennessee Congressional Delegation.